BARRY J. PORTMAN 1 Federal Public Defender 2 JOYCE LEAVITT Assistant Federal Public Defender 3 555 12th Street, Suite 650 Oakland, California 94607-3627 4 Telephone: (510) 637-3500 5 Counsel for Defendant MILLER 6 7 IN THE UNITED STATES DISTRICT COURT 8 FOR THE NORTHERN DISTRICT OF CALIFORNIA 9 10 No. CR 07-00638 DLJ UNITED STATES OF AMERICA, 11 Plaintiff, STIPULATION AND [PROPOSED] 12 ORDER TERMINATING SUPERVISED RELEASE v. 13 JAY MILLER, 14 Defendant. 15 **STIPULATION** 16 17 The government and Jay Miller, through their respective counsel, Stephen Corrigan and Joyce 18 Leavitt, hereby stipulate that the Court may immediately terminate Jay Miller's term of supervised 19 release, pursuant to 18 U.S.C. § 3583(e)(1). Mr. Miller is requesting early termination to visit his father who recently had major cardiac surgery and is in poor health. The United States Probation 20 21 Office in the Southern District of Florida (where Mr. Miller's father lives) told United States Probation Officer Mark Messner that they will not allow Mr. Miller to travel to their district while on 22 23 federal supervision because he has a 1994 offense which requires that he register as a sex offender. 24 Mr. Miller pled guilty on November 16, 2007, to interstate transportation of stolen goods, in violation of 18 USC §2314. On March 7, 2008, he was sentenced to 18 months in custody, 3 years 25 of supervised release and \$15,295 in restitution. Mr. Miller has been on supervised release for two 26

years. He has abided by all of his conditions of supervision, including payment of the \$15,295 1 2 restitution, \$100 special assessment, completion of mental health counseling and completion of drug 3 treatment. Mr. Miller has been working since his release. He has had no violations. Defense counsel has spoken with United States Probation Officer Mark Messner, who is Mr. 4 5 Miller's supervising probation officer. USPO Messner indicated that, as a matter of policy, his office is unwilling to recommend early termination for a defendant with a prior offense requiring him to 6 7 register as a sex offender. However, USPO Messner stated that he spoke personally with the USPO 8 in the Southern District of Florida who denied his request that Mr. Miller be allowed to visit his sick 9 father while on federal supervision. Mr. Messner also confirmed that Mr. Miller has been extremely 10 compliant while on supervision, started his own business, and appears to be doing very well. 11 For these reasons, the parties stipulate that the Court may terminate Mr. Miller's term of supervised release effective immediately in accordance with 18 U.S.C. §3583(e)(1). 12 13 DATED: November 16, 2010 JOYCE LEAVITT 14 Assistant Federal Public Defender 15 DATED: November 16, 2010 STEPHEN CORRIGAN 16 Assistant United States Attorney 17 18 I hereby attest that I have on file all holographed signatures for any signatures indicated by a conformed signature (/s/) within this e-filed document. 19 **ORDER** 20 GOOD CAUSE APPEARING, IT IS ORDERED that Jay Miller's term of supervised release is 21 hereby terminated effective immediately, pursuant to 18 U.S.C. § 3583(e)(1). 22 SO ORDERED. 23 24 DATED: , 2010 D. LOWELL JENSEN 25 United States District Judge 26 U.S. v. Miller, CR 07-00638 DLJ; - 2 -Stip & Order terminating S.R.